



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

July 13, 2015

Water System No. 3500549

Rosa Morada Mutual Water Company

Attention: Mr. Oscar Inocencio, President
400 Morada Lane
Hollister, CA 95023

CITATION NO. 02_05_15C_008

ANNUAL NITRATE MONITORING AND REPORTING VIOLATION FOR 2014

TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64432.1(a)

Enclosed is a Citation issued to the Rosa Morada Mutual Water Company (hereinafter "System") public water system.

The System will be billed at the State Water Resources Control Board's (hereinafter "Water Board") hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the Water Board for actual costs incurred by the Water Board for specified enforcement actions, including but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Water Board has spent approximately two hours on enforcement activities associated with this violation.

The System will receive a bill sent from the Drinking Water Fee Branch in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

If you have any questions regarding this matter, please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.

District Engineer, Monterey District Office
Northern California Field Operations Branch
Drinking Water Program

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-4477

cc: San Benito County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Rosa Morada Mutual Water Company

Water System No. 3500549

Attention: Mr. Oscar Inocencio, President
400 Morada Lane
Hollister, CA 95023

Issued: July 13, 2015

CITATION FOR NONCOMPLIANCE
ANNUAL NITRATE MONITORING AND REPORTING VIOLATION FOR 2014
TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION 64432.1(a)

Section 116650 of the California Health & Safety Code (hereinafter "CHSC") authorizes the State Water Resources Control Board (hereinafter "Water Board") to issue a citation to a public water system when the Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4 (commencing with Section 116270) or any regulation, standard, permit or order issued or adopted thereunder.

The Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues a citation



pursuant to Section 116650 of the CHSC to the Rosa Morada Mutual Water Company (hereinafter "System") for violation of CHSC, Section 116555(a)(1), Section 116650 and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64432.1(a).

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

System is classified as a community water system with a population of 60, serving 22 service connections. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. All public water systems must comply with the monitoring and reporting requirements for nitrate, as established in Title 22, CCR, Section 64432.1, in order to determine if they are in compliance with the maximum contaminant level for nitrate of 45 mg/L.

By electronic mail dated February 17, 2015, Ms. Janet Serrano, Water Quality Coordinator for the System, confirmed to Division staff that no samples for nitrate analysis testing from Dooling Road Well were submitted for the calendar year of 2014. In response, a sample was collected from Dooling Road Well on February 23, 2015 that showed no detection for nitrate. Furthermore, the February 23, 2015 nitrate result was electronically submitted to the Division. Therefore, the System has complied with the annual nitrate monitoring and reporting requirements from Dooling Road Well for calendar year 2015.

By electronic mail dated June 30, 2015, Division staff approved language for a public notification template provided by the System with instructions to submit a copy of the notice with a completed Proof of Notification form to the Division within ten days of completing distribution of the notice by direct delivery and by posting within the areas served by the System. To date, a copy of the approved public notification (Appendix 2) and Proof of Notification form have not been submitted to the Division.

DETERMINATIONS

Based on the Statement of Facts, the Division has determined that the System has violated CHSC, Section 64432.1(a), in that the water system failed to monitor and report a nitrate analysis result for the calendar year of 2014.

DIRECTIVES

The System is hereby directed to take the following actions:

1. Comply with Title 22, CCR, Section 64432.1(a), in all future monitoring periods.
2. On or before **July 31, 2015**, notify all persons served by the System of the violation of Section 64432.1(a), in conformance with Section 64463.7, Title 22, Chapter 15, CCR. Appendix 2: Notification Template may be used to fulfill this directive. In accordance with instructions provided to the System by electronic mail dated June 30, 2015, submit a copy of the Notification Template, distributed by direct delivery and posting, with a completed Compliance Certification form (Appendix 3), to the Division.
3. The System shall ensure that monitoring is conducted annually for nitrate from Dooling Road Well and shall ensure that the analytical results are

84 reported to the Division electronically by the analyzing laboratory no later
85 than the 10th day of the month following completion of the analyses.
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87 All submittals required by this Citation shall be submitted to the Division at the
88 following address:

89
90 Jan R. Sweigert, P.E.
91 District Engineer, Monterey District Office
92 State Water Resources Control Board
93 Division of Drinking Water
94 1 Lower Ragsdale Drive, Building 1, Suite 120
95 Monterey, CA 93940
96

97 The Division reserves the right to make such modifications to this Citation as it
98 may deem necessary to protect public health and safety. Such modifications may
99 be issued as amendments to this Citation and shall be deemed effective upon
100 issuance.
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102 Nothing in this Citation relieves the System of its obligation to meet the
103 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
104 commencing with Section 116270), or any regulation, standard, permit or order
105 issued or adopted thereunder.
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107 **PARTIES BOUND**

108 This Citation shall apply to and be binding upon the System, its owners,
109 shareholders, officers, directors, agents, employees, contractors, successors, and
110 assignees.
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SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Water Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Water Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Water Board. The Water Board does not waive any further enforcement action by issuance of this Citation.

Jan R. Sweigert
Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

7/13/2015
Date



Appendices (3):

1. Applicable Statutes and Regulations
2. Notification Template
3. Compliance Certification Form

Certified Mail No. 7008-1830-0004-5435-4477

**APPENDIX 1: APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 02_05_15C_008**

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter, or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Section 64431, states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

California Code of Regulations, Section 64432.1(a) states in relevant part:

- (a) To determine compliance with the MCL for nitrate in Table 64431-A, all public water systems...shall monitor annually..."

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

APPENDIX 2: NOTIFICATION TEMPLATE

Rosa Morada MWC/ 3500549

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Nitrate Monitoring Requirements

Not Met for Rosa Morada Mutual Water Company – Water System #3500549

Our water system failed to collect a water sample to be analyzed for nitrates as required for drinking water standards during the year 2014 and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

State Water Resources Control Board required wording:

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the year 2014, we did not monitor for nitrate and therefore, cannot be sure of the quality of our drinking water during that time.

We are required to collect one sample per year for nitrates from the Dooling Road well. Since 1999, we have collected sixteen samples collected from the Dooling Well (our primary drinking water source). The most recent sample (collected in February 2015) indicated a concentration of 4.4 mg nitrate per liter of water. This level is consistent with the Dooling Road well's recorded concentration range of 3.8 to 4.5 mg/liter.

Rosa Morada's nitrate levels are well within acceptable levels and are actually relatively low (concentrations less than 2.0 mg/liter cannot be measured by the analytical method required by the State Water Resources Control Board). Nitrate in drinking water is considered to be a concern at levels in excess of 45 mg/liter. This level has been set to protect infants younger than six months who are drinking waters containing elevated nitrate levels from illness: shortness of breath and blue baby syndrome.

The major sources of nitrates in drinking water are runoff from fertilizer use; leaking from septic tanks, sewage; and erosion of natural deposits.

What should I do?

- There is nothing you need to do.

What happened? What is being done?

The table below lists the contaminant(s) we did not properly test for during the year 2014, how many samples we are required to take and how often, how many samples we took,

when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were Taken</i>
Nitrate	Minimum is One Sample Annually	None	In the year 2014	February 23, 2015

We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.

For more information, please contact Janet Serrano at janserr@razzolink.com or 831-630-9423.

State Water Resources Control Board required wording:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by the **Rosa Morada MWC** in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Water System ID #: **3500549**

Date Distributed: _____

System Representative Name & Title: Janet Serrano, Water Quality Coordinator

System Representative Signature: _____

APPENDIX 3. COMPLIANCE CERTIFICATION

Citation No. 02_05_15C_008

Name of Water System: Rosa Morada Mutual Water Company

System Number: 3500549

Certification

I certify that the users of the water supplied by this water system were notified of the nitrate monitoring and reporting violation of Title 22, California Code of Regulations, Section 64432.1(a), for the compliance period of calendar year 2014 and the required actions listed below were completed.

Required Action	Date Completed
<i>(Citation Directive 2) Public Notification –Direct delivery and by posting in conspicuous locations throughout the area served by the System</i>	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed and posted.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN JULY 31, 2015

Disclosure: Be advised that Sections 116725 and 116730, respectively of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.